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February 11, 2022

VIA ECF

The Honorable Michael A. Hammer, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Alkermes, Inc., et al. v. Teva Pharmaceuticals USA, Inc.*
Civil Action No. 20-12470 (MCA)(MAH)

Dear Judge Hammer:

This firm, together with Paul Hastings LLP, represents plaintiffs Alkermes, Inc. and Alkermes Pharma Ireland Limited (together, “Alkermes”) in the above-captioned matter. We write this joint letter with Walsh Pizzi O’Reilly Falanga LLP and Sterne Kessler Goldstein & Fox, representing defendant Teva Pharmaceuticals USA, Inc. (“Teva”). Per Your Honor’s January 13, 2022 Order, the parties write to confirm that they have met and conferred multiple times, through correspondence (dated January 24 and 31 and February 2 and 7) and by telephone (on January 20, 2022 and February 7, 2022) “regarding the parameters of James Kerrigan’s testimony” and “discuss[ed] whether, in light of James Kerrigan’s anticipated testimony, Alkermes requires any additional discovery and the facilitation of that discovery.” (D.I. 78).

Because the parties were unable to resolve their differences despite these good-faith efforts, Alkermes intends to file a motion to strike. Specifically, Alkermes believes that the expert reports that Teva served on January 27, 2022, raise new, affirmative arguments based on Mr. Kerrigan’s documents and testimony that should have been (but were not) disclosed in Teva’s invalidity contentions as required by the Local Patent Rules.

Teva disagrees and contends that the information and arguments set forth by Mr. Kerrigan and in Teva’s expert reports were adequately disclosed in Teva’s Local Patent Rule contentions. Teva reserves the right to respond to other grounds Alkermes may include in a

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motion to strike. Alkermes's motion to strike will target only what it asserts are the specific affirmative arguments from Teva's expert reports, and not rebuttal to Alkermes's arguments.

As to additional discovery, Alkermes served three Requests for Production on Teva on February 8, 2022. Teva anticipates responding to this discovery promptly. The parties are negotiating a stipulated extension to certain deadlines in the schedule to accommodate this discovery for the Court's consideration. Alkermes does not plan to seek any extensions based on its upcoming the motion to strike.

Subject to the Court's approval, the parties have agreed to the following briefing schedule for the motion to strike:

Event	Date
Alkermes files its motion to strike	February 23, 2022 (Wednesday)
Teva files its opposition to Alkermes's motion to strike	March 9, 2022 (Wednesday)
Alkermes files its reply to Teva's opposition	March 16, 2022 (Wednesday)

→ Not to exceed 25 D/S pages

→ Not to exceed 25 D/S pages

→ Not to exceed 10 D/S pages

If the proposed briefing schedule meets with the Court's approval, we respectfully request that Your Honor sign the below form of endorsement and have it entered on the docket. Thank you for Your Honor's kind attention to this matter.

Respectfully yours,



Charles M. Lizza

cc: All Counsel (via e-mail)

SO ORDERED.



Hon. Michael A. Hammer, U.S.M.J.

2/14/2022